



Docket No.: 1349.1253

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Chang-hee LEE et al.

Serial No. 10/680,418

Group Art Unit: 2622

Confirmation No. 9220

Filed: October 8, 2003

Examiner: John M. Villecco

For: IMAGE PHOTOGRAPHING APPARATUS HAVING PHOTOGRAPHIC MODE BASED
ON POSITION OF CAMERA UNIT (As Amended)

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Statements of Reasons for Allowance were forwarded in the Notice of Allowability mailed March 10, 2008 and the Office Action mailed October 2, 2007.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The Examiner characterizes certain features of various claims. However, the Examiner has not recited the appropriate language for the appropriate claims as pending and allowed in the application.

By way of example, the reasons in the Notice of Allowability with respect to claim 32 refer to the second camera section being used to photograph moving images. However, claim 32

recites the second camera section to photograph images including moving images.

By way of another example, the reasons in the Notice of Allowability with respect to claim 51 state the control unit to select the photographic mode and to drive the camera unit corresponding to the photographic mode. However, claim 51 recites "a control unit . . . to drive the camera unit to correspond to the selected photographic mode."

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the currently pending claims.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

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Date: 6-6-08

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